

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **18TH JANUARY 2017**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY MS P. HICKIE-ROBERTS AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR AN EXTENSION TO AND CHANGE OF USE OF OUTBUILDING TO DWELLING AT AEL Y BRYN, MOEL Y CRIO, HOLYWELL – DISMISSED**

1.00 APPLICATION NUMBER

1.01 055299

2.00 APPLICANT

2.01 Ms P. Hickie-Roberts

3.00 SITE

3.01 Ael y Bryn,
Moel y Crio, Holywell.

4.00 APPLICATION VALID DATE

4.01 18th April 2016

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to the refusal to grant planning permission for the change of use of an outbuilding to a dwelling at Ael Y Bryn, Moel y Crio, Holywell. The appeal was dealt with by way of an informal hearing and was DISMISSED.

6.00 REPORT

6.01 Background

The application was determined under officer delegated powers and

was refused on the 8th June 2016.

6.02 Issues

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the building and the area, having regard to the development plan and national planning policies and whether there are other material considerations sufficient to outweigh any conflict with local and national policies.

6.03 The appeal site is a former agricultural building located in the open countryside off an unmade track. The building comprises of a small red brick structure, with a dual pitch asbestos cement roof and a small later lean to addition. The proposal was to convert and extend the existing building to form a single bedroom dwelling house. The field associated with the present building would comprise the domestic garden.

6.04 The Inspector noted the Flintshire Unitary Development Plan policy GEN 3 which sets out the exceptions to development in the open countryside, one of these is the conversion, extension and adaptation and reuse under policy HSG7, and whilst the policy would be supportive, this would only be if the resultant dwelling was compliant with the provisions of criteria a, b or c, in this case criterion c in that the resultant housing would contribute to an identified need for an affordable housing to meet local needs. The policy is not entirely consistent with para 3.2.2 of TAN 23 because it qualifies that buildings that possess traditional architectural and historic features are only suitable for conversion, whereas TAN 23 indicates that conversion proposals should be assessed on their impact on the fabric and character of historic buildings. It is not a requirement that buildings possess architectural and historic character for them to be considered suitable for conversion under TAN 23 guidance.

6.05 The Inspector noted the appellant's case that the proposed conversion would provide an affordable home to meet her and her partner's local housing needs in the locality. At the hearing the appellant confirmed that no evidence was offered in relation to potential employment use, other than the building would not be suitable for such a use in a cluster of residential properties having regard to issues of noise, disturbance and overall character of the area. As a result no marketing exercise was undertaken as part of the policy.

6.06 At the hearing the appellant confirmed her connections to the area as her father was brought up in Ael Y Bryn, this was demolished in 1972 and was situated to the opposite side of the appeal building. The family then moved to Terfyn Farm a mile away from the site, with the appellant living in the area and attending school locally. The appellant acquired and inherited the appeal site in 2015. The appellant and her partner are seeking to reside in the area through the conversion of

the appeal building to secure their close ties to the area and community. At the hearing the appellant confirmed their ability to afford an open market property in the area and this is compounded by the limited number of one to three bedroom houses to purchase or rent in Halkyn. The Inspector noted on the evidence provided at submission and during the hearing considered that the appellant would qualify as persona in local need for an affordable housing and that in part would contribute to that identified need. Despite the Inspectors conclusion the appellant did not consider that mechanism should be required to secure a property so that it requires the occupation and subsequent occupants to meet the identified need for affordable housing. The appellant argued that the open market value of the proposed development would self-regulate the re sale value ensuring that it would remain affordable and therefore did not require Section 106 to ensure that the property would remain as an affordable housing provision in the locality. The possibility of the use of planning conditions to secure the local need housing provision was also explored at the hearing, but was dismissed as it was considered that a planning obligation would be the only means of securing the local need affordable housing in the long term. The Inspector considered that the proposal would not deliver a local need affordable housing unit due to the lack of planning obligation to secure this. The absence of a planning obligation is a weighty reason against the development, because the resultant housing would not secure its contribution to an identified local need for affordable housing in conflict with policy HSG7.

6.07 The Inspector considered that the development is acceptable in relation to the character and appearance of the area and the building.

7.00 CONCLUSION

7.01 The Inspector concluded that whilst the principle of the conversion and extension of the former agricultural building to form a dwelling was acceptable in principle, the proposal would not deliver a local need affordable housing unit due to the lack of a planning obligation to secure this obligation in perpetuity for the local community.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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